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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MAHENDRA PRATAP SINGH,

10 Plaintiff,

11 v.

12 ROCKWELL AUTOMATION INC., a
13 foreign corporation registered and doing
business in the State of Washington, et al.,

14 Defendant.

C09-597Z

ORDER

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16 THIS MATTER comes before the Court on Defendants' Motion for Additional
17 Clarification of Order Compelling Arbitration, docket no. 37. For the reasons stated in this
18 Order, the Court DENIES the motion.

19 **BACKGROUND**

20 On July 16, 2009, after oral argument, and on the record, the Court granted both
21 parties' motions to arbitrate and ordered the parties to proceed to arbitration of all claims in
22 Plaintiff's amended complaint. See Minutes (docket no. 35). The Court also ordered the
23 parties to proceed to arbitration in the State of South Carolina. The basis for the Court's
24 ruling was the Arbitration Agreement executed by the parties in June 2000. Exh. 1 to
25 Balistreri Decl. (docket no. 20). Defendants now seek a clarification as to whether the
26 parties must "share equally the fees and costs of the arbitrator" as provided in the Arbitration

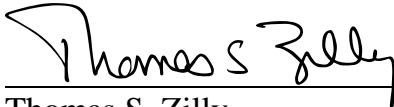
1 Agreement or whether fees should be borne by the employer defendant pursuant to the
2 American Arbitration Association (“AAA”) rules governing “employer-promulgated” plans.

3 **DISCUSSION**

4 The Court has ordered the parties to arbitrate all of the Plaintiff’s claims pursuant to
5 the Arbitration Agreement under the procedures set forth in that Agreement. Any issue or
6 dispute relating to fees is subject to arbitration and for the arbitrator to decide. See Local
7 Union No. 744, Int’l Brh. of Teamsters v. Metro. Distrib., Inc., 763 F.2d 300, 302-04 (7th
8 Cir. 1985). The Defendants’ Motion, docket no. 37, is DENIED. The Court has already
9 ORDERED the parties to arbitrate all of the Plaintiff’s claims in accordance with the parties’
10 Arbitration Agreement. All questions relating to fees and costs in arbitration shall be
11 resolved in arbitration.

12 IT IS SO ORDERED.

13 DATED this 25th day of November, 2009.

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16 Thomas S. Zilly
17 United States District Judge
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